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- A TREATISE ON THE LAW OF PERSONAL PROPERTY. By HORACE E. SMITH, LL.D. Chicago: T. H. Flood & Co., 1893.
- CODE PRACTICE IN PERSONAL ACTIONS. AN ELEMENTARY TREATISE UPON THE PRACTICE IN A CIVIL ACTION, AS GOVERNED BY THE PROVISIONS OF THE NEW YORK CODE OF CIVIL PROCEDURE. By JAMES L. BISHOP. New York: Baker, Voorhis & Co., 1893.
- COMPANY LAW. COMMENTARIES ON THE LAW OF PUBLIC CORPORATIONS AND POLITICAL OR GOVERNMENTAL CORPORATIONS OF EVERY CLASS. By CHARLES FISK BEACH, JR. Two Vols. Indianapolis: Bowen-Merrill Company, 1893.
- PRACTICE IN COURTS OF REVIEW THAT SUBSTANTIALLY FOLLOW THE COLORADO PROCEDURE. By JOHN C. FITNAM. Chicago: E. B. Myers Company, 1893.
- THE LAW OF ASSIGNMENT FOR THE BENEFIT OF CREDITORS IN THE STATE OF ILLINOIS. By SIDNEY RICHMOND TABER. Chicago: E. B. Myers Company, 1893.
- COMMENTARIES ON EQUITY JURISPRUDENCE AS DETERMINED BY THE COURTS AND STATUTES OF ENGLAND AND THE UNITED STATES. By CHARLES FISK BEACH, JR. Two Vols. New York: Baker, Voorhis & Co., 1892.
- NEGLIGENCE ON IMPOSED DUTIES, CARRIERS OF PASSENGERS. BY CHARLES D. RAY, LL.D. Rochester, N. Y.: The Lawyers' Co-operative Publishing Company, 1893.
- A TREATISE ON THE ADMISSIBILITY OF PAROL EVIDENCE IN RESPECT TO WRITTEN INSTRUMENTS. By IRVING BROWNE. New York: L. K. Strouse & Co., 1893.

BOOK REVIEWS.

A TREATISE ON WILLS. By THOMAS JARMAN, Esq. The Fifth Edition by LEOPOLD GEORGE GORDON ROBBINS, Esq. Sixth American Edition by MELVILLE M. BIGELOW, Ph.D. Two volumes. Boston: Little, Brown & Co.

These two large volumes, well printed and handsomely bound, will receive from the profession the welcome that is always accorded to an able book ably edited. The edition is published under the new International Copyright Law, and it is a pleasing contrast to such American editions of English text-books as those issued by "The Blackstone Publishing Company." The English editor, Mr. ROBBINS, and the American editor, Dr. BIGELOW, are so well and favorably known to the profession that our readers will readily accept the assurance that their work is thoroughly well done.

And their task has been no light one. The scope of the author's plan is so comprehensive that all branches of the law which are directly or indirectly connected with the subject of wills are treated of in the text. Indeed, it might well be questioned how far a writer on wills is justified in treating at length such subjects as the "Rule Against Perpetuities" and "Restraints upon Alienation and Marriage," which, being rules of property, may be discussed with equal propriety in connection with conveyances *inter vivos*. But be this as it may, the editors have not shrunk from the attack upon the enormous number of decided cases which they were compelled to examine, and the text and notes have grown under their hands into an exhaustive treatise, supplementary to the original work.

If we take, for example, the portions of the book which relate to the "Rule Against Perpetuities," we shall readily appreciate the value of the editors' work. Dr. BIGELOW has been wise enough to keep before him Mr. GRAY'S admirable monograph, and he has not hesitated to cite from it freely. The note to * 214 is an example of this. The same remark applies to the note to * 229, in which reference is made to Mr. GRAY'S demonstration of the incorrectness of the decision of the Supreme Court of Pennsylvania in *Smith's Appeal*.¹ This decision, by the way, has since been overruled. In connection with the subject of "Limitations of Property" we are glad to note the English editor's criticism of the decisions of KAY, J., in *Whitby v. Mitchell*² and *Frost v. Frost*.³ In these cases that learned judge declared that the giving of an estate to an unborn person for life, followed by an estate to any child of such unborn person, is forbidden by an absolute rule independent of the rule against remoteness—a rule identical with the old rule, forbidding limitations by way of remainder of a possibility upon a possibility. Mr. ROBBINS, following closely an admirable article by Mr. VAIZEY,⁴ advances considerations which go far toward convincing the learned judge of error.⁵

Dr. BIGELOW has reprinted, in the form of a note to * 32, the chapter on "Probate," which was prepared for the fourth American edition. It contains a valuable collection of authorities, carefully arranged and intelligently discussed.

We read with satisfaction the note to * 326, where Dr. BIGELOW, in speaking of the interpretation of wills, says: "Much of the subject of uncertainty in the language of wills, like much of the more general subject of interpretation and construction, though commonly treated as part of the law of wills, does not in reality belong to the law of wills at all, or to any other law than the vague one which requires of the critic the use of that sound understanding and correct thinking which are common to every department of criticism."

Among the other longer notes which we have examined with interest and profit may be mentioned the note to * p. 1131, on "Estates in Fee

¹ 88 Pa., 492.

² 42 Ch. D., 494. Affirmed in Court of Appeal, 44 Ch. D., 85.

³ 43 Ch. D., 246.

⁴ Law Quart. Rev., October, 1890.

⁵ * 249.

without Words of Limitation," and the note to * p. 1320, on the "Definite and Indefinite Failure of Issue."

The book is provided with a separate table of American cases, and the distinction between the notes of the English editor and those of the American editor is marked by printing the latter in double columns. The plan of omitting the brackets from the body of the text cannot be too strongly commended. Their presence subserved no useful purpose; their absence makes the page more readable and more sightly.

G. W. P.

THE LAW AND PRACTICE OF INTERNATIONAL EXTRADITION BETWEEN THE UNITED STATES AND THOSE FOREIGN COUNTRIES WITH WHICH IT HAS TREATIES OF EXTRADITION. By JOHN G. HAWLEY. Chicago: Callaghan & Co., 1893.

This work, which is the first in America that has appeared devoted exclusively to the subject of International Extradition, will prove of great value and use to the profession. The sixty-nine pages of text have no other than paragraph divisions. Each paragraph commences with a plain statement of the law discussed, and set in large bold type. One by simply turning over the pages can, in a very short time, gain a very good general idea of the subject. We could have wished, however, that the author had collected under the title of "Contents" the principles discussed in the different paragraphs. The text contains a rather minute description of the proper proceedings, together with the forms to be used in cases of extradition. The appendix of the work, which is much more voluminous than the text, has a copy of the revised statutes of the United States, Title LXVI, Extradition; the Act of 1882, 47 Statute, Chapter 378, to regulate the fees and practice in extradition, and the extradition treaties in existence between the United States and foreign powers. It would have added greatly to the convenience of the reader if Mr. HAWLEY had inserted a table giving in a condensed form the extraditable crimes under existing treaties with each foreign government. We also regret that, while mentioning the particular construction placed upon the clauses of the treaties in the body of the text, he has not seen fit to annotate the treaties themselves. Concerning the text itself, while we cannot but admire the clearness of Mr. HAWLEY'S style and the accuracy of his statements of law, we regret he has not embraced the opportunity afforded him and written a complete and exhaustive treatise. Compare, for instance, the paragraph dealing with the question whether a fugitive extradited for one offense can be tried for other offenses than those for which he has been extradited, with the opinion of Mr. Justice MILLER on the same point in the great case of *United States v. Raucher*, 119 U. S., 407, 1886. Mr. HAWLEY'S statement of the controversy is clear and accurate, but here, it seems to us, that there was a chance for the author to enter upon an exhaustive and critical discussion of the force of the different arguments advanced to sustain the position maintained by the majority of the Supreme Court in the above-cited case, and the position adopted in the case of *Adraince v. Legrave*, 59 N. Y., 110, and supported by Secretary FISH in his con-